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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,464	11/30/2001	Niclas Hogberg	B0052-US01	2307

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GAMBRO, INC
PATENT DEPARTMENT
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LAKEWOOD, CO 80215

EXAMINER

DRODGE, JOSEPH W

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 09/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/000,464

Applicant(s)

HOGBERG ET AL.

Examiner

Joseph W. Drodge

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 and 15-20 is/are allowed.
- 6) ☒ Claim(s) 6-9 is/are rejected.
- 7) ☒ Claim(s) 10-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7. 6) ☐ Other: _____

NON-FINAL REJECTION

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Sweden on October 26, 1999. It is noted, however, that applicant has not filed a certified copy of the foreign application as required by 35 U.S.C. 119(b).

The abstract of the disclosure is objected to because it is unduly brief and non-descriptive. Correction is required. See MPEP § 608.01(b).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Lionetti et al patent 4,018,911.

Lionetti et al disclose a centrifuge machine (pendulum shaker) adapted to place a cassette (holder 11) containing blood bags into rapid back and forth "pendulum" motion, the holder containing plural blood bags (column 4, lines 49-59 and column 5, lines 1-12). If necessary, the pendulum shaker of Lionetti is deemed capable of effecting the claimed "incomplete revolution about the axis" no structural features corresponding to the function is recited.

Regarding claim 7, see instruments of sandwich holder (column 4, lines 52-53 or clamp (column 4, line 54).

Regarding claim 8, no corresponding structure is recited for the described specific pendulum movements.

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Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Sinn et al patent 3,987,961.

Sinn et al disclose bag sources 33 and 34, source of diluting solution 37, multi-way connector (mixer 5), ring bag 6 (see column 3, lines 10-13) and connecting tubes 39, 40, 31, etc. (column 2, lines 46-58 and column 4, line 59 through column 7, line 43 recite operation of the disclosed system and movement of fluid through the various tubes).

Claims 10-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 10 and claims dependent thereof distinguish in view of recited outer lid which has a motor disposed therein operable to operate in incomplete revolutions in opposite directions. Lionetti et al as well as newly cited patents 5,789,259 and 5,610,074 each teach various devices and methods for causing back and forth centrifugal motion of blood samples or of blood being processed, however, none of such references suggest a motor disposed in a centrifuge lid.

Independent claim 1, and claims dependent therefrom (claims 2-5 and 15-20) are allowable. Claim 1 distinguishes in view of the recited connecting, and suspending steps in combination with the recited method step of "processing the blood concentrate product in at least one product bag by oscillating the cassette forwards and backwards in an incomplete pendulum swing". Sinn et al and also Unger et al patent 5,723,050 and International patent WO 98/46362 all recite systems/methods for processing blood

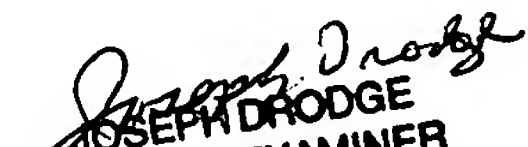
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concentrate products and have the claimed multiple bags, multiway connectors, source of diluting solution and means for mixing and also teach the claimed connecting and suspending steps, however, mix blood product and solutions by repeated acceleration and decelerations of centrifuges rather than utilizing back and forth pendulum movements. Although forementioned Lionetti et al, and patents 5,789,259, 5,610,074 and 4,018,911 all teach mixing of blood with other solutions in centrifugal apparatus, none of these latter references suggest utilizing incomplete pendulum swings.

Any inquiry concerning this communication or other matters regarding prosecution of this application should be directed to Examiner Joseph Drodge at telephone number (703) 308-0403 Monday-Friday between 8:30 AM and 4:45 PM. The Fax number for the examining Group is (703) 872-9306.

JWD

September 16, 2003


JOSEPH DRODGE
PRIMARY EXAMINER